

LUSKIN, STERN & EISLER LLP  
Eleven Times Square  
New York, New York 10036  
Telephone: (212) 597-8200  
Facsimile: (212) 974-3205  
Michael Luskin  
Stephan E. Hornung

*Attorneys for Kathleen Kime*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

SEARS HOLDINGS CORPORATION, *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 18-23538 (RDD)

(Jointly Administered)

**DECLARATION OF WILLIAM DEITCHMAN IN SUPPORT OF  
MOTION OF KATHLEEN KIME TO DEEM PROOFS OF CLAIM AS  
TIMELY FILED AND FOR RELIEF FROM THE AUTOMATIC STAY**

---

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are as follows: Sears Holdings Corporation (0798); Kmart Holding Corporation (3116); Kmart Operations LLC (6546); Sears Operations LLC (4331); Sears, Roebuck and Co. (0680); ServiceLive Inc. (6774); SHC Licensed Business LLC (3718); A&E Factory Service, LLC (6695); A&E Home Delivery, LLC (0205); A&E Lawn & Garden, LLC (5028); A&E Signature Service, LLC (0204); FBA Holdings Inc. (6537); Innovel Solutions, Inc. (7180); Kmart Corporation (9500); MaxServ, Inc. (7626); Private Brands, Ltd. (4022); Sears Development Co. (6028); Sears Holdings Management Corporation (2148); Sears Home & Business Franchises, Inc. (6742); Sears Home Improvement Products, Inc. (8591); Sears Insurance Services, L.L.C. (7182); Sears Procurement Services, Inc. (2859); Sears Protection Company (1250); Sears Protection Company (PR) Inc. (4861); Sears Roebuck Acceptance Corp. (0535); SR – Rover de Puerto Rico, LLC (f/k/a Sears, Roebuck de Puerto Rico, Inc.) (3626); SYW Relay LLC (1870); Wally Labs LLC (None); SHC Promotions LLC (9626); Big Beaver of Florida Development, LLC (None); California Builder Appliances, Inc. (6327); Florida Builder Appliances, Inc. (9133); KBL Holding Inc. (1295); KLC, Inc. (0839); Kmart of Michigan, Inc. (1696); Kmart of Washington LLC (8898); Kmart Shores of Illinois LLC (8897); Kmart Stores of Texas LLC (8915); MyGofer LLC (5531); Sears Brands Business Unit Corporation (4658); Sears Holdings Publishing Company, LLC (5554); Sears Protection Company (Florida), L.L.C. (4239); SHC Desert Springs, LLC (None); SOE, Inc. (9616); StarWest, LLC (5379); STI Merchandising, Inc. (0188); Troy Coolidge No. 13, LLC (None); BlueLight.com, Inc. (7034); Sears Brands, L.L.C. (4664); Sears Buying Services, Inc. (6533); Kmart.com LLC (9022); and Sears Brands Management Corporation (5365). The location of the Debtors' corporate headquarters is 3333 Beverly Road, Hoffman Estates, Illinois 60179.

I, William A. Deitchman, declare as follows:

1. I am an attorney licensed to practice law in the State of California, and am the attorney of record for plaintiff, Kathleen Kime, in her personal injury action against Sears Holdings Management Corporation (“Sears Holdings”), A&E Factory Services, LLC (“A&E Factory Services”), and Gregory Williams.

2. I submit this declaration in support of the *Motion of Kathleen Kime to Deem Proofs of Claim as Timely Filed and for Relief from the Automatic Stay*. I make this declaration based on my own personal knowledge and could testify regarding these facts if called to do so.

3. On July 1, 2016, Kathleen Kime retained my office to represent her in her claim against the defendants.

4. Ms. Kime alleges that she was injured in a motor vehicle collision on June 14, 2016 when a vehicle operated by defendant, Gregory Williams, rear-ended her vehicle. Ms. Kime alleges that, at the time of the incident, Mr. Williams was an employee of and was acting within the scope of his employment for defendants, A&E Factory Services and Sears Holdings. Ms. Kime alleges that Mr. Williams was driving a vehicle owned by defendants.

5. On July 6, 2016, I sent a letter to Janet Cozzone at Sedgwick Claims Management Services, Inc. (“Sedgwick”) advising her that I represented Ms. Kime in her personal injury claim and requesting Sedgwick to provide information and documents about the claim. A true and correct copy of my representation letter is attached as **Exhibit 1**.

6. On July 18, 2016, I received a letter from Sedgwick dated July 13, 2016, advising me of its receipt of my letter of representation. The letter also advised me that Sedgwick administers the liability claims for A&E Factory Services and stated that this claim was covered under a policy of insurance issued by “ACE” and insuring A&E Factory Services. A true and correct copy of the July 13, 2016 letter is attached as **Exhibit 2**.

7. On August 2, 2016, I spoke with Janet Cozzone at Sedgwick and discussed the claim including basic facts of about the incident and my client's injuries and treatment.

8. On February 25, 2017, I received a letter from Sedgwick dated February 14, 2017, requesting additional information about the claim. The letter stated that Sedgwick manages claims for Sears Holdings Corporation on behalf of ACE American Insurance Company. A true and correct copy of the February 14, 2017 letter is attached as **Exhibit 3**.

9. On March 14, 2017, I spoke with Janet Cozzone at Sedgwick and discussed the claim.

10. On November 15, 2017, my office faxed an IRS Form W-9 to Sedgwick to update it on our current address. I had moved my office July 1, 2016.

11. On April 26, 2018, I sent a letter to Sedgwick demanding that the defendants preserve evidentiary items contained in the driver's vehicle. A true and correct copy of the April 26, 2018 letter is attached as **Exhibit 4**.

12. Ms. Kime and I agreed to hold off on filing and serving the lawsuit on the defendants for the time being until we had a better handling of her injuries and damages.

13. On May 5, 2018, my private investigator interviewed Gregory Williams who confirmed that he contacted his employer immediately following the incident.

14. On June 11, 2018, I filed a personal injury action titled *Kathleen Kime v. Sears Holdings Management Corporation, A&E Factory Services, LLC, Gregory Williams, et al.*, El Dorado County Superior Court, Case No. PC 20180290 to preserve the statute of limitations. A copy of the complaint is attached as **Exhibit 5**.

15. On October 29, 2018, Ms. Kime had left shoulder surgery for injuries related to this incident. At the time, she was also a candidate for neck surgery because of this incident but elected to have shoulder surgery first.

16. On June 18, 2019, Ms. Kime had neck surgery.

17. On or about August 1, 2019, I caused the above lawsuit to be served on defendants because Ms. Kime recently completed neck surgery and we were ready to resolve the claim with the defendants and their insurance carrier.

18. On August 7, 2019, I received a fax from Sears Holdings Corporation dated August 7, 2019 notifying me that Sears Holdings Corporation and its debtor affiliates filed bankruptcy and that Ms. Kime had failed to file a proof of claim by the April 10, 2019 bar date (the “Bar Date”), and requesting that the action be dismissed with confirmation by August 21, 2019. A true and correct copy of the August 7, 2019 letter is attached as **Exhibit 6**.

19. On August 7, 2019, I discovered that Sears Holdings and A&E Factory Services filed bankruptcy on October 15, 2018. I had heard reports of “Sears” filing bankruptcy, but I did not realize at the time that it meant the defendants in this action, and I did not receive notice from the defendants, their insurance company, or their claims adjuster of the bankruptcy filing or of the Bar Date.

20. On August 7, 2019, I spoke with a bankruptcy attorney who advised me to file proofs of claim immediately, to seek relief from the bankruptcy court to file a late proof of claim, and to seek relief from the stay to pursue this action against the defendants’ insurer.

21. On August 7, 2019, I filed proofs of claim via Prime Clerk for Ms. Kime’s claim against the Debtors. The proofs of claim are identified on the Debtors’ claims register as Claim

Nos. 20007 and 20008. True and correct copies of the proofs of claim are attached as **Exhibits 7 and 8.**

22. At no time prior to August 7, 2019, did I receive written notice of the defendants' bankruptcy or of the Bar Date from the Debtors, their insurance carrier, or claims adjuster.

23. Ms. Kime advised me that she never received any written notice of the Bar Date or the defendants' bankruptcy from the Debtors, their insurer carrier, or the claims adjuster.

24. The Debtors had notice of this personal injury claim as early as the date of the incident on June 14, 2016 and the date of my initial letter of representation dated July 6, 2016. Because Debtors had notice of my client's claim and her intention to seek compensation for injuries, I would have expected to receive notice of any bankruptcy filing and the Bar Date from the Debtors, their insurer, or the claims adjuster.

25. At the beginning of this claim it had been my intention to look to the defendants' insurance coverage exclusively as the source of recovery for my client's damages.

26. I inadvertently did not file proofs of claim because I mistakenly believed that, since the defendants had notice of Ms. Kime's claim, they would have served notice of any bankruptcy filing and related Bar Date to me and Ms. Kime and I was unaware that a Bar Date had been set.

27. Had I received notice from the Debtors, their insurance carrier, or Sedgwick about the bankruptcy filing and the Bar Date, I would have timely filed proofs of claim to preserve Ms. Kime's personal injury claim against the Debtors and their liability insurer.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Diamond Springs, California on August 21, 2019

A handwritten signature in blue ink, appearing to read 'W. A. Deitchman', is written over a horizontal line.

William A. Deitchman

# EXHIBIT 1

**DEITCHMAN & DEITCHMAN**

ATTORNEYS AT LAW

MARK G. DEITCHMAN (Retired)

2692 COLOMA STREET

TELEPHONE (530) 626-3050

WILLIAM A. DEITCHMAN

PLACERVILLE, CALIFORNIA 95667

FACSIMILE (530) 626-3060

deitchmanlaw.com

Sent via Facsimile to (866) 876-7050 and via U.S. Mail

July 6, 2016

Janet Cozzone  
Claims Representative  
Sedgwick Claims Management Services, Inc.  
P.O. Box 14448  
Lexington, KY 40512-4448

Re: Our Client: Kathleen Kime  
Your Insured: Sears Holding Corporation  
Date of Incident: 06/14/16  
Claim No.: A1606155080-0003

Dear Ms. Janet Cozzone:

Our office represents Kathleen Kime who sustained injuries in a motor vehicle collision involving your insured. Enclosed is a signed NOTICE OF AUTHORITY TO REPRESENT.

From the facts given this office, legal responsibility for this collision rests with your insured. Therefore, all correspondence concerning this claim will be forwarded to you.

Please produce our client's written or recorded statements, all medical records and bills obtained, all traffic collision reports and all photographs of the damaged vehicle(s). If our client signed medical authorizations, be advised those authorizations are revoked.

Please disclose your insured's policy limits information. (See California Insurance Code § 790.03 (h)(1) & (2) and *Boicourt vs. Amex Assurance Company* (2000) 78 Cal.App.4th 1390.) If your insured refuses to provide the policy limit information, please confirm that refusal in writing.



Janet Cozzone  
Claims Representative  
Sedgwick Claims Management Services, Inc.  
July 6, 2016  
Page 2 of 2

Should you have any questions or requests regarding this matter, please feel free to contact our office. We look forward to working with you to reach a prompt and equitable resolution of these claims.

Very truly yours,

A handwritten signature in black ink, appearing to read 'William A. Deitchman', with a long, sweeping horizontal line extending to the right.

WILLIAM A. DEITCHMAN  
WAD:wad  
Enclosure

**DEITCHMAN & DEITCHMAN**

ATTORNEYS AT LAW

2692 COLOMA STREET

PLACERVILLE, CALIFORNIA 95667

deitchmanlaw.com

MARK G. DEITCHMAN (Retired)

WILLIAM A. DEITCHMAN

TELEPHONE (530) 626-3050

FACSIMILE (530) 626-3060

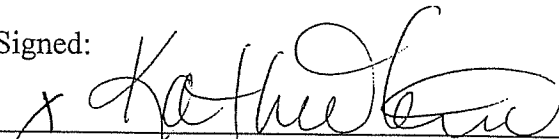
NOTICE OF AUTHORITY TO REPRESENT

I, the undersigned, hereby confirm that I am represented by the law firm of  
DEITCHMAN & DEITCHMAN in connection with \_\_\_\_\_

Incident of 6.14.16

Please direct all communications concerning the above to Mr. Deitchman.

Signed:



Client

Transaction Report

Send

Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P. #	Result	Mode
334	JUL-12	10:20	8668767050	0' 01' 06"	003	OK	Normal

**DEITCHMAN & DEITCHMAN**

ATTORNEYS AT LAW

MARK G. DEITCHMAN (Retired)

WILLIAM A. DEITCHMAN

2892 COLOMA STREET

PLACERVILLE, CALIFORNIA 95667

deitchmanlaw.com

TELEPHONE (530) 826-3050

FACSIMILE (530) 626-3060

Sent via Facsimile to (866) 876-7050 and via U.S. Mail

July 6, 2016

Janet Cozzone  
Claims Representative  
Sedgwick Claims Management Services, Inc.  
P.O. Box 14448  
Lexington, KY 40512-4448

Re: Our Client: Kathleen Kime  
Your Insured: Sears Holding Corporation  
Date of Incident: 06/14/16  
Claim No.: A1606155080-0003

Dear Ms. Janet Cozzone:

Our office represents Kathleen Kime who sustained injuries in a motor vehicle collision involving your insured. Enclosed is a signed NOTICE OF AUTHORITY TO REPRESENT.

From the facts given this office, legal responsibility for this collision rests with your insured. Therefore, all correspondence concerning this claim will be forwarded to you.

Please produce our client's written or recorded statements, all medical records and bills obtained, all traffic collision reports and all photographs of the damaged vehicle(s). If our client signed medical authorizations, be advised those authorizations are revoked.

Please disclose your insured's policy limits information. (See California Insurance Code § 790.03)

# EXHIBIT 2

JUL 17 2016

Sedgwick Claims Management Services, Inc.  
P O Box 14448  
Lexington, KY 40512-4448



Phone: (866)352-1521  
Fax: (866)876-7050

July 13, 2016

William Deitchman  
Deitchman & Deitchman  
2692 Coloma Street  
Placerville, CA 95667

RE: Our Client: A&E Factory Services  
Claimant: Kathleen Kime  
DOL: June 14, 2016  
Claim#: A1606155080-0003

Dear William Deitchman:

We are in receipt of your letter of representation for Kathleen Kime . Sedgwick Claims Management Services Inc. administers the liability claims for A&E Factory Services.

The information on the policy is as follows:

Effective Date (s): August 01, 2015  
Name of Insurer: ACE  
Name of Insured: A&E Factory Services  
Limits of Liability: \$5,000,000.00

There are no known policy coverage issues or defenses at the present time. However Sedgwick, by this disclosure statement, cannot waive any defenses the carrier might raise.

I am investigating this incident and request you provide some additional information, specifically: the facts of the alleged incident, your detailed theory of liability and documentation to support your client's claimed damages.

I look forward to working with you.

Sincerely,

Janet Cozzone  
Claims Representative  
janet.cozzone@SedgwickCMS.com  
Sedgwick Claims Management Services, Inc.



# EXHIBIT 3

Sedgwick Claims Management Services  
P O Box 14448  
Lexington, KY 40512-4448



Phone: (866)352-1521  
Fax: (866)876-7050

February 14, 2017

William Deitchman Deitchman & Deitchman  
2692 Coloma Street  
Placerville, CA 95667

Sedgwick manages claims for Sears Holdings Corporation on behalf of ACE American Insurance Company.

RE: Account: Sears  
Claimant: Kathleen Kime  
Date of Loss: 06/14/2016  
Claim Number: A1606155080-0003

Dear William Deitchman,

Sedgwick has been assigned the handling of this matter on behalf of Sears.

We have had no recent contact from your office regarding this case. Please advise our office as to the status of this matter, and if your client's medical treatment is complete.

Kindly forward your client's medical specials, medical bills, wage loss documentation, and your written theory of liability for evaluation.

Thank you for your anticipated cooperation in this matter.

Sincerely,

Janet Cozzone

Claims Examiner - Liability

Direct Dial: (847)645-0694

Toll Free: (866)352-1521

Facsimile: (866)876-7050

Sedgwick manages claims for Sears Holdings Corporation on behalf of ACE American Insurance Company.



\* C 2 0 5 9 2 4 6 2 . 3 3 8 - 1 8 4 5 \*

3



2/14/2017

A16061550800003

562017021422907



# EXHIBIT 4



**DEITCHMAN & DEITCHMAN**

ATTORNEYS AT LAW

MARK G. DEITCHMAN (Retired)  
WILLIAM A. DEITCHMAN

6201 ENTERPRISE DRIVE, SUITE E  
DIAMOND SPRINGS, CALIFORNIA 95619  
deitchmanlaw.com

TELEPHONE (530) 626-3050  
FACSIMILE (530) 626-3080

**Sent via Facsimile to (866) 876-7050 and via U.S. Mail**

April 26, 2018

Janet Cozzone  
Claims Representative  
Sedgwick Claims Management Services, Inc.  
P.O. Box 14448  
Lexington, KY 40512-4448

Re: Our Client: Kathleen Kime  
Your Insured: Sears Holding Corporation  
Date of Incident: 06/14/16  
Claim No.: A1606155080-0003

Dear Ms. Janet Cozzone:

Please preserve the event data recorder (EDR), also known as a "vehicle data recorder" or an automotive "black box," a device that records information related to vehicle crashes or accidents, that was present in your insured's vehicle at the time of the incident. This letter will confirm your obligation to preserve any and all evidentiary items relating to the incident and injuries to my client. It is imperative that Sears Holding Corporation take affirmative steps to preserve these items. Failure to do so may constitute negligent or intentional spoliation of evidence; this could result in evidentiary, issue and/or terminating sanctions.

Thank you for your anticipated courtesy and cooperation.

Very truly yours,



WILLIAM A. DEITCHMAN  
WAD:wad  
Enclosure

4

**Send Result Report**

MFP

CS 3552ci

Firmware Version 2ND\_2000.003.042 2017.10.16

[2ND\_1000.003.002] [2ND\_1100.001.007] [2ND\_7000.003.042]

VLR7501006

04/26/2018 11:24

Job No.: 002852

Total Time: 0°00'32"

Page: 001

**Complete**

Document: \_doc002852

**DEITCHMAN & DEITCHMAN**  
ATTORNEYS AT LAWMARK G. DEITCHMAN (Retired)  
WILLIAM A. DEITCHMAN6201 ENTERPRISE DRIVE, SUITE E  
DIAMOND SPRINGS, CALIFORNIA 95619  
deitchmanlaw.comTELEPHONE (530) 626-3050  
FACSIMILE (530) 626-3080**Sent via Facsimile to (866) 876-7050 and via U.S. Mail**

April 26, 2018

Janet Cozzone  
Claims Representative  
Sedgwick Claims Management Services, Inc.  
P.O. Box 14448  
Lexington, KY 40512-4448

Re: Our Client: Kathleen Kime

No.	Date/Time	Destination	Times	Type	Result	Resolution/ECM
001	04/26/18 11:23	18668767050	0°00'32"	FAX	OK	200x100 Normal/Off

# EXHIBIT 5



PLD-PI-001

SHORT TITLE: Kime v. Sears Holdings Management Corporation, et al.	CASE NUMBER:
---	--------------

4. ☐ Plaintiff (*name*):  
is doing business under the fictitious name (*specify*):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ **except** defendant (*name*): Sears Holdings Mgmt. c. ☐ **except** defendant (*name*):
- (1) ☒ a business organization, form unknown (1) ☐ a business organization, form unknown  
(2) ☐ a corporation (2) ☐ a corporation  
(3) ☐ an unincorporated entity (*describe*): (3) ☐ an unincorporated entity (*describe*):  
  
(4) ☐ a public entity (*describe*): (4) ☐ a public entity (*describe*):  
(5) ☐ other (*specify*): (5) ☐ other (*specify*):
- b. ☒ **except** defendant (*name*): A&E Factory Services d. ☐ **except** defendant (*name*):
- (1) ☒ a business organization, form unknown (1) ☐ a business organization, form unknown  
(2) ☐ a corporation (2) ☐ a corporation  
(3) ☐ an unincorporated entity (*describe*): (3) ☐ an unincorporated entity (*describe*):  
  
(4) ☐ a public entity (*describe*): (4) ☐ a public entity (*describe*):  
(5) ☐ other (*specify*): (5) ☐ other (*specify*):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (*specify Doe numbers*): 1 to 50 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (*specify Doe numbers*): 1 to 50 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (*names*):
8. This court is the proper court because
- a. ☒ at least one defendant now resides in its jurisdictional area.  
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.  
d. ☐ other (*specify*):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or  
b. ☐ is excused from complying because (*specify*):

PLD-PI-001

SHORT TITLE:

Kime v. Sears Holdings Management Corporation, et al.

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☒ Motor Vehicle
- b. ☐ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

Any and all economic and non-economic damages as may be proved and for such relief as the court deems just and proper.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: June 11, 2018

William A. Deitchman, Esq.

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(1)

SHORT TITLE:

Kime v. Sears Holdings Management Corporation, et al

CASE NUMBER:

First

(number)

**CAUSE OF ACTION—Motor Vehicle**

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): Kathleen Kime

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): 6/14/16

at (place):

On Missouri Flat Road near the intersection with Forni Road in Placerville, El Dorado County, California.

**MV- 2. DEFENDANTS**

a. ☒ The defendants who operated a motor vehicle are (names):  
Gregory Williams, and

☒ Does 1 to 10

b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):  
Sears Holdings Management Corporation, A&E Factory Services, LLC, and

☒ Does 1 to 20

c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names):  
Sears Holdings Management Corporation, A&E Factory Services, LLC, and

☒ Does 1 to 30

d. ☒ The defendants who entrusted the motor vehicle are (names):  
Sears Holdings Management Corporation, A&E Factory Services, LLC, and

☒ Does 1 to 40

e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):  
Sears Holdings Management Corporation, A&E Factory Services, LLC, and

☒ Does 1 to 50

f. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are  
☐ listed in Attachment MV-2f ☐ as follows:

☐ Does to

Page 4

Page 1 of 1

# EXHIBIT 6



## SEARS HOLDINGS

8/7/2019

Via Facsimile -530-626-3060

William A. Deitchman  
Deitchman & Deitchman  
6201 Enterprise Drive, Suite E  
Diamond Springs, CA 85619

**Re: In re Sears Holdings Corporation, Inc., et al.,  
Chapter 11 Case No. 18-23538 (RDD) (jointly administered)**

Dear William A. Deitchman:

I write to inform you that on October 15, 2018 (the “**Commencement Date**”), Sears Holdings Corporation and its debtor affiliates (collectively the “**Debtors**”), each filed a voluntary petition seeking bankruptcy protection under Chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”). These bankruptcy cases have been assigned Case No. 18-23538 (RDD).

Your attention is directed to sections 541 and 362 of the Bankruptcy Code. Pursuant to section 541, the filing of a petition under the Bankruptcy Code creates an estate, which is comprised of all of the debtor’s property wherever located and by whomever held. *See* 11 U.S.C. § 541. Pursuant to section 362(a), an automatic stay went into effect on the Commencement Date, prohibiting a variety of actions to collect a prepetition debt against the Debtors or otherwise interfere with the Debtors’ estates. The automatic stay expressly prohibits:

the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;

11 U.S.C. § 362(a).

Your client commenced an action, Kathleen Kime, Pltf., vs. Sears Holdings Management Corporation., et al, Dfts./To: A&E Factory Service, LLC (the “**Action**”) against Sears Holdings Management Corporation and A&E Factory Service, LLC after the Commencement Date and in contravention of the automatic stay imposed by section 362 of the Bankruptcy Code.

Absent relief from the automatic stay extant under section 362 of the Bankruptcy actions and proceedings commenced against the debtor are “void *ab initio*.” *Maritime El United Jersey Bank*, 959 F.2d 1194, 1206 (3d Cir. 1991). Accordingly, filing the Action is:

the automatic stay, and the Action is “void *ab initio*.” The continued prosecution of the Action against the Debtors would further violate the automatic stay.

Please be advised that, pursuant to established case law, parties may be held in contempt of court for violating the automatic stay and, furthermore, may be liable for costs and attorneys’ fees for any such violations. *See Fidelity mortgage Investors v. Camelia Builders, Inc.*, 550 F.2d 47 (2d Cir. 1976).


Please provide confirmation by email to [legalint@searshc.com](mailto:legalint@searshc.com) that you will dismiss the Action without prejudice by August 21, 2019. Following dismissal, please provide another confirmation and a copy of the dismissal order to the same address. Absent such confirmation, we will be forced to seek appropriate relief in the Bankruptcy Court.

Pursuant to the *Order (I) Establishing Deadline to File Proofs of Claim and Procedures Relating Thereto, (II) Approving the Form and Manner of Notice Thereof, (III) Approving Procedures for the Resolution of Claims Asserted Pursuant to 11 U.S.C. 503(b)(9), and (IV) Prohibiting Vendors from Pursuing Such Claims Outside the Procedures* (ECF No. 2676) (the “**Bar Date Order**”), the deadline for all persons and entities (excluding governmental units, as defined in section 101(27) of the Bankruptcy Code) for filing proofs of claim for any claims that arose prior to the Commencement Date was April 10, 2019 (the “**Bar Date**”). Paragraph 10 of the Bar Date Order provides that “all holders of claims that fail to comply with this Order by timely filing a proof of claim in appropriate form shall (i) be forever barred, estopped, and enjoined from asserting such claims against the Debtors, their property, or their estates.”

The Bar Date Order required that Kathleen Kime file a proof of claim on or before the Bar Date. The Debtors’ records, however, reflect that Kathleen Kime did not timely file a proof of claim. Accordingly, Kathleen Kime is forever barred from collecting payment on account of their prepetition claim from the Debtors.

Please note that additional information regarding the Debtors’ chapter 11 cases can be found at <https://restructuring.primeclerk.com/sears/>.

Very truly yours,

  
Stacey Leinheiser  
Authorized Signatory

SL/ds

# EXHIBIT 7

**Fill in this information to identify the case (Select only one Debtor per claim form):**

<input checked="" type="checkbox"/> Sears Holdings Corporation (18-23538)	<input type="checkbox"/> Kmart Corporation (18-23549)	<input type="checkbox"/> Sears, Roebuck de Puerto Rico, Inc. (18-23561)	<input type="checkbox"/> MyGofer LLC (18-23573)	<input type="checkbox"/> Kmart.com LLC (18-23585)
<input type="checkbox"/> Sears, Roebuck and Co. (18-23537)	<input type="checkbox"/> MaxServ, Inc. (18-23550)	<input type="checkbox"/> SYW Relay LLC (18-23562)	<input type="checkbox"/> Sears Brands Business Unit Corporation (18-23574)	<input type="checkbox"/> Sears Brands Management Corporation (18-23586)
<input type="checkbox"/> Kmart Holding Corporation (18-23539)	<input type="checkbox"/> Private Brands, Ltd. (18-23551)	<input type="checkbox"/> Wally Labs LLC (18-23563)	<input type="checkbox"/> Sears Holdings Publishing Company, LLC (18-23575)	<input type="checkbox"/> SHC Licensed Business LLC (18-23616)
<input type="checkbox"/> Kmart Operations LLC (18-23540)	<input type="checkbox"/> Sears Development Co. (18-23552)	<input type="checkbox"/> Big Beaver of Florida Development, LLC (18-23564)	<input type="checkbox"/> Kmart of Michigan, Inc. (18-23576)	<input type="checkbox"/> SHC Promotions LLC (18-23630)
<input type="checkbox"/> Sears Operations LLC (18-23541)	<input type="checkbox"/> Sears Holdings Management Corporation (18-23553)	<input type="checkbox"/> California Builder Appliances, Inc. (18-23565)	<input type="checkbox"/> SHC Desert Springs, LLC (18-23577)	<input type="checkbox"/> SRe Holding Corporation (19-22031)
<input type="checkbox"/> ServiceLive, Inc. (18-23542)	<input type="checkbox"/> Sears Home & Business Franchises, Inc. (18-23554)	<input type="checkbox"/> Florida Builder Appliances, Inc. (18-23566)	<input type="checkbox"/> SOE, Inc. (18-23578)	
<input type="checkbox"/> A&E Factory Service, LLC (18-23543)	<input type="checkbox"/> Sears Home Improvement Products, Inc. (18-23555)	<input type="checkbox"/> KBL Holding Inc. (18-23567)	<input type="checkbox"/> StarWest, LLC (18-23579)	
<input type="checkbox"/> A&E Home Delivery, LLC (18-23544)	<input type="checkbox"/> Sears Insurance Services, L.L.C. (18-23556)	<input type="checkbox"/> KLC, Inc. (18-23568)	<input type="checkbox"/> STI Merchandising, Inc. (18-23580)	
<input type="checkbox"/> A&E Lawn & Garden, LLC (18-23545)	<input type="checkbox"/> Sears Procurement Services, Inc. (18-23557)	<input type="checkbox"/> Sears Protection Company (Florida), L.L.C. (18-23569)	<input type="checkbox"/> Troy Coolidge No. 13, LLC (18-23581)	
<input type="checkbox"/> A&E Signature Service, LLC (18-23546)	<input type="checkbox"/> Sears Protection Company (18-23558)	<input type="checkbox"/> Kmart of Washington LLC (18-23570)	<input type="checkbox"/> BlueLight.com, Inc. (18-23582)	
<input type="checkbox"/> FBA Holdings Inc. (18-23547)	<input type="checkbox"/> Sears Protection Company (PR) Inc. (18-23559)	<input type="checkbox"/> Kmart Stores of Illinois LLC (18-23571)	<input type="checkbox"/> Sears Brands, L.L.C. (18-23583)	
<input type="checkbox"/> Innoval Solutions, Inc. (18-23548)	<input type="checkbox"/> Sears Roebuck Acceptance Corp. (18-23560)	<input type="checkbox"/> Kmart Stores of Texas LLC (18-23572)	<input type="checkbox"/> Sears Buying Services, Inc. (18-23584)	

## Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense, other than a claim entitled to administrative priority pursuant to 11 U.S.C. § 503(b)(9). Make such a request according to 11 U.S.C. § 503.

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

### Part 1: Identify the Claim

1. Who is the current creditor?	Kathleen Kime Name of the current creditor (the person or entity to be paid for this claim)  Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)		
	Contact phone 530-626-3050 Contact email will@deitchmanlaw.com	Contact phone 530-626-3050 Contact email will@deitchmanlaw.com
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

**Part 2:** Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☒ No  
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$ 500,000 . Does this amount include interest or other charges?  
☒ No  
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured? ☒ No  
☐ Yes. The claim is secured by a lien on property.

**Nature of property:**

☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

☐ Motor vehicle

☐ Other. Describe: \_\_\_\_\_

**Basis for perfection:** \_\_\_\_\_

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$ \_\_\_\_\_

**Amount of the claim that is secured:** \$ \_\_\_\_\_

**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_

**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %

☐ Fixed

☐ Variable

10. Is this claim based on a lease? ☒ No  
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff? ☒ No  
☐ Yes. Identify the property: \_\_\_\_\_

<p>12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?</p> <p>A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.</p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Check one:</p> <p><input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).</p> <p><input type="checkbox"/> Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).</p> <p><input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).</p> <p><input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).</p> <p><input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).</p> <p><input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.</p>	<p><b>Amount entitled to priority</b></p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p>
<p>* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.</p>		
<p>13. Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. § 503(b)(9)?</p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.</p>	<p>\$ _____</p>

**Part 3:** Sign Below

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

Check the appropriate box:

- ☐ I am the creditor.
- ☒ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

**Signature:** William A. Deitchman  
William A. Deitchman (Aug 7, 2019)

**Email:** will@deitchmanlaw.com

Signature

**Print the name of the person who is completing and signing this claim:**

**Name of the person who is completing and signing this claim:**

Name	William Albert Deitchman		
	First name	Middle name	Last name
Title	Attorney		
Company	Deitchman & Deitchman		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	6201 Enterprise Drive, Suite E		
	Number	Street	
	Diamond Springs	CA	95619
	City	State	ZIP Code
Contact phone	530-626-3050		Email will@deitchmanlaw.com

**Attach Supporting Documentation** (limited to a single PDF attachment that is less than 5 megabytes in size and under 100 pages):

☒ have supporting documentation.  
(attach below)

☐ do not have supporting documentation.



Attachment

**PLEASE REVIEW YOUR PROOF OF CLAIM AND SUPPORTING DOCUMENTS AND REDACT ACCORDINGLY PRIOR TO UPLOADING THEM. PROOFS OF CLAIM AND ATTACHMENTS ARE PUBLIC DOCUMENTS THAT WILL BE AVAILABLE FOR ANYONE TO VIEW ONLINE.**

**IMPORTANT NOTE REGARDING REDACTING YOUR PROOF OF CLAIM AND SUPPORTING DOCUMENTATION** When you submit a proof of claim and any supporting documentation you must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. The responsibility for redacting personal data identifiers (as defined in Federal Rule of Bankruptcy Procedure 9037) rests solely with the party submitting the documentation and their counsel. Prime Clerk and the Clerk of the Court will not review any document for redaction or compliance with this Rule and you hereby release and agree to hold harmless Prime Clerk and the Clerk of the Court from the disclosure of any personal data identifiers included in your submission. In the event Prime Clerk or the Clerk of the Court discover that personal identifier data or information concerning a minor individual has been included in a pleading, Prime Clerk and the Clerk of the Court are authorized, in their sole discretion, to redact all such information from the text of the filing and make an entry indicating the correction.

## Modified Form 410

# Instructions for Proof of Claim

United States Bankruptcy Court

12/15

**These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.**

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.**  
18 U.S.C. §§ 152, 157 and 3571.

### How to fill out this form

- **Fill in all of the information about the claim as of the date the case was filed.**
- **Fill in the caption at the top of the form.**
- **If the claim has been acquired from someone else, then state the identity of the last party** who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- **Attach any supporting documents to this form.**  
Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)  
  
Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called “Bankruptcy Rule”) 3001(c) and (d).
- **Do not attach original documents because attachments may be destroyed after scanning.**
- **If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.**

- **A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual’s tax identification number, or financial account number, and only the year of any person’s date of birth.** See Bankruptcy Rule 9037.
- **For a minor child, fill in only the child’s initials and the full name and address of the child’s parent or guardian.** For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

### Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form. You may view a list of filed claims in this case by visiting the Claims and Noticing Agent’s website at <http://restructuring.primeclerk.com/sears>.

### Understand the terms used in this form

**Administrative expense:** Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate.  
11 U.S.C. § 503.

**Claim:** A creditor’s right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy.  
11 U.S.C. § 101 (5). A claim may be secured or unsecured.



**Claim Pursuant to 11 U.S.C. §503(b)(9):** A claim arising from the value of any goods received by the Debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business. Attach documentation supporting such claim.

**Creditor:** A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

**Debtor:** A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

**Evidence of perfection:** Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

**Information that is entitled to privacy:** A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

**Priority claim:** A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

**Proof of claim:** A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

**Redaction of information:** Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

**Secured claim under 11 U.S.C. §506(a):** A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment may be a lien.

**Setoff:** Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

**Unsecured claim:** A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

### Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

### Please send completed Proof(s) of Claim to:

Sears Holdings Corporation Claims Processing Center  
c/o Prime Clerk LLC  
850 3rd Avenue, Suite 412  
Brooklyn, NY 11232

<b>Do not file these instructions with your form</b>
--

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE: Kime v. Sears Holdings Management Corporation, et al.	CASE NUMBER:
---	--------------

4. ☐ Plaintiff (*name*):  
is doing business under the fictitious name (*specify*):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ **except** defendant (*name*): Sears Holdings Mgmt. c. ☐ **except** defendant (*name*):
- (1) ☒ a business organization, form unknown (1) ☐ a business organization, form unknown  
(2) ☐ a corporation (2) ☐ a corporation  
(3) ☐ an unincorporated entity (*describe*): (3) ☐ an unincorporated entity (*describe*):  
  
(4) ☐ a public entity (*describe*): (4) ☐ a public entity (*describe*):  
(5) ☐ other (*specify*): (5) ☐ other (*specify*):
- b. ☒ **except** defendant (*name*): A&E Factory Services d. ☐ **except** defendant (*name*):
- (1) ☒ a business organization, form unknown (1) ☐ a business organization, form unknown  
(2) ☐ a corporation (2) ☐ a corporation  
(3) ☐ an unincorporated entity (*describe*): (3) ☐ an unincorporated entity (*describe*):  
  
(4) ☐ a public entity (*describe*): (4) ☐ a public entity (*describe*):  
(5) ☐ other (*specify*): (5) ☐ other (*specify*):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (*specify Doe numbers*): 1 to 50 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (*specify Doe numbers*): 1 to 50 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (*names*):
8. This court is the proper court because
- a. ☒ at least one defendant now resides in its jurisdictional area.  
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.  
d. ☐ other (*specify*):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or  
b. ☐ is excused from complying because (*specify*):

PLD-PI-001

SHORT TITLE: Kime v. Sears Holdings Management Corporation, et al.	CASE NUMBER:
---	--------------

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☒ Motor Vehicle
- b. ☐ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

Any and all economic and non-economic damages as may be proved and for such relief as the court deems just and proper.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: June 11, 2018

William A. Deitchman, Esq.

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(1)

SHORT TITLE:

Kime v. Sears Holdings Management Corporation, et al

CASE NUMBER:

First

(number)

**CAUSE OF ACTION—Motor Vehicle**

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): Kathleen Kime

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): 6/14/16

at (place):

On Missouri Flat Road near the intersection with Forni Road in Placerville, El Dorado County, California.

**MV- 2. DEFENDANTS**

a. ☒ The defendants who operated a motor vehicle are (names):  
Gregory Williams, and

☒ Does 1 to 10

b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):  
Sears Holdings Management Corporation, A&E Factory Services, LLC, and

☒ Does 1 to 20

c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names):  
Sears Holdings Management Corporation, A&E Factory Services, LLC, and

☒ Does 1 to 30

d. ☒ The defendants who entrusted the motor vehicle are (names):  
Sears Holdings Management Corporation, A&E Factory Services, LLC, and

☒ Does 1 to 40

e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):  
Sears Holdings Management Corporation, A&E Factory Services, LLC, and

☒ Does 1 to 50

f. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are  
☐ listed in Attachment MV-2f ☐ as follows:

☐ Does to

Page 4

Page 1 of 1







# Electronic Proof of Claim\_\$QXBS27384

Final Audit Report

2019-08-07

Created:	2019-08-07
By:	Sears Claims (searsclaims@primeclerk.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAFPwJu6zFvqZr0e5wYnIAU3C6qZMNOL40

## "Electronic Proof of Claim\_\$QXBS27384" History

-  Web Form created by Sears Claims (searsclaims@primeclerk.com)  
2019-08-07 - 10:38:25 PM GMT
-  William A. Deitchman (will@deitchmanlaw.com) uploaded the following supporting documents:
  -  Attachment  
2019-08-07 - 11:20:28 PM GMT
-  Web Form filled in by William A. Deitchman (will@deitchmanlaw.com)  
2019-08-07 - 11:20:28 PM GMT- IP address: 75.150.2.137
-  (User email address provided through API User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/70.0.3538.102 Safari/537.36 Edge/18.18362)  
2019-08-07 - 11:20:30 PM GMT- IP address: 75.150.2.137
-  Signed document emailed to Sears Claims (searsclaims@primeclerk.com) and William A. Deitchman (will@deitchmanlaw.com)  
2019-08-07 - 11:20:30 PM GMT

# EXHIBIT 8

**Fill in this information to identify the case (Select only one Debtor per claim form):**

<input type="checkbox"/> Sears Holdings Corporation (18-23538)	<input type="checkbox"/> Kmart Corporation (18-23549)	<input type="checkbox"/> Sears, Roebuck de Puerto Rico, Inc. (18-23561)	<input type="checkbox"/> MyGofer LLC (18-23573)	<input type="checkbox"/> Kmart.com LLC (18-23585)
<input type="checkbox"/> Sears, Roebuck and Co. (18-23537)	<input type="checkbox"/> MaxServ, Inc. (18-23550)	<input type="checkbox"/> SYW Relay LLC (18-23562)	<input type="checkbox"/> Sears Brands Business Unit Corporation (18-23574)	<input type="checkbox"/> Sears Brands Management Corporation (18-23586)
<input type="checkbox"/> Kmart Holding Corporation (18-23539)	<input type="checkbox"/> Private Brands, Ltd. (18-23551)	<input type="checkbox"/> Wally Labs LLC (18-23563)	<input type="checkbox"/> Sears Holdings Publishing Company, LLC (18-23575)	<input type="checkbox"/> SHC Licensed Business LLC (18-23616)
<input type="checkbox"/> Kmart Operations LLC (18-23540)	<input type="checkbox"/> Sears Development Co. (18-23552)	<input type="checkbox"/> Big Beaver of Florida Development, LLC (18-23564)	<input type="checkbox"/> Kmart of Michigan, Inc. (18-23576)	<input type="checkbox"/> SHC Promotions LLC (18-23630)
<input type="checkbox"/> Sears Operations LLC (18-23541)	<input type="checkbox"/> Sears Holdings Management Corporation (18-23553)	<input type="checkbox"/> California Builder Appliances, Inc. (18-23565)	<input type="checkbox"/> SHC Desert Springs, LLC (18-23577)	<input type="checkbox"/> SRe Holding Corporation (19-22031)
<input type="checkbox"/> ServiceLive, Inc. (18-23542)	<input type="checkbox"/> Sears Home & Business Franchises, Inc. (18-23554)	<input type="checkbox"/> Florida Builder Appliances, Inc. (18-23566)	<input type="checkbox"/> SOE, Inc. (18-23578)	
<input checked="" type="checkbox"/> A&E Factory Service, LLC (18-23543)	<input type="checkbox"/> Sears Home Improvement Products, Inc. (18-23555)	<input type="checkbox"/> KBL Holding Inc. (18-23567)	<input type="checkbox"/> StarWest, LLC (18-23579)	
<input type="checkbox"/> A&E Home Delivery, LLC (18-23544)	<input type="checkbox"/> Sears Insurance Services, L.L.C. (18-23556)	<input type="checkbox"/> KLC, Inc. (18-23568)	<input type="checkbox"/> STI Merchandising, Inc. (18-23580)	
<input type="checkbox"/> A&E Lawn & Garden, LLC (18-23545)	<input type="checkbox"/> Sears Procurement Services, Inc. (18-23557)	<input type="checkbox"/> Sears Protection Company (Florida), L.L.C. (18-23569)	<input type="checkbox"/> Troy Coolidge No. 13, LLC (18-23581)	
<input type="checkbox"/> A&E Signature Service, LLC (18-23546)	<input type="checkbox"/> Sears Protection Company (18-23558)	<input type="checkbox"/> Kmart of Washington LLC (18-23570)	<input type="checkbox"/> BlueLight.com, Inc. (18-23582)	
<input type="checkbox"/> FBA Holdings Inc. (18-23547)	<input type="checkbox"/> Sears Protection Company (PR) Inc. (18-23559)	<input type="checkbox"/> Kmart Stores of Illinois LLC (18-23571)	<input type="checkbox"/> Sears Brands, L.L.C. (18-23583)	
<input type="checkbox"/> Innovel Solutions, Inc. (18-23548)	<input type="checkbox"/> Sears Roebuck Acceptance Corp. (18-23560)	<input type="checkbox"/> Kmart Stores of Texas LLC (18-23572)	<input type="checkbox"/> Sears Buying Services, Inc. (18-23584)	

## Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense, other than a claim entitled to administrative priority pursuant to 11 U.S.C. § 503(b)(9). Make such a request according to 11 U.S.C. § 503.

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

### Part 1: Identify the Claim

1. Who is the current creditor?	Kathleen Kime Name of the current creditor (the person or entity to be paid for this claim)  Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)		
	Contact phone 530-626-3050 Contact email will@deitchmanlaw.com	Contact phone 530-626-3050 Contact email will@deitchmanlaw.com
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	



**Part 2:** Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☒ No  
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$ 500,000 . Does this amount include interest or other charges?  
☒ No  
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured? ☒ No  
☐ Yes. The claim is secured by a lien on property.

**Nature of property:**

☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

☐ Motor vehicle

☐ Other. Describe: \_\_\_\_\_

**Basis for perfection:** \_\_\_\_\_

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$ \_\_\_\_\_

**Amount of the claim that is secured:** \$ \_\_\_\_\_

**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_

**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %

☐ Fixed

☐ Variable

10. Is this claim based on a lease? ☒ No  
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff? ☒ No  
☐ Yes. Identify the property: \_\_\_\_\_

<p><b>12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?</b></p> <p>A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.</p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Check one:</p> <p><input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).</p> <p><input type="checkbox"/> Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).</p> <p><input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).</p> <p><input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).</p> <p><input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).</p> <p><input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.</p>	<p><b>Amount entitled to priority</b></p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p>
<p>* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.</p>		
<p><b>13. Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. § 503(b)(9)?</b></p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.</p>	<p>\$ _____</p>

**Part 3:** Sign Below

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

Check the appropriate box:

- ☐ I am the creditor.
- ☒ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

**Signature:** William A. Deitchman  
William A. Deitchman (Aug 7, 2019)

**Email:** will@deitchmanlaw.com

Signature

**Print the name of the person who is completing and signing this claim:**

**Name of the person who is completing and signing this claim:**

Name	<u>William Albert Deitchman</u>		
	First name	Middle name	Last name
Title	<u>Attorney</u>		
Company	<u>Deitchman &amp; Deitchman</u>		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	<u>6201 Enterprise Drive, Suite E</u>		
	Number	Street	
	<u>Diamond Springs</u>	<u>CA</u>	<u>95619</u>
	City	State	ZIP Code
Contact phone	<u>530-626-3050</u>	Email	<u>will@deitchmanlaw.com</u>

**Attach Supporting Documentation** (limited to a single PDF attachment that is less than 5 megabytes in size and under 100 pages):

☒ have supporting documentation.  
(attach below)

☐ do not have supporting documentation.



Attachment

**PLEASE REVIEW YOUR PROOF OF CLAIM AND SUPPORTING DOCUMENTS AND REDACT ACCORDINGLY PRIOR TO UPLOADING THEM. PROOFS OF CLAIM AND ATTACHMENTS ARE PUBLIC DOCUMENTS THAT WILL BE AVAILABLE FOR ANYONE TO VIEW ONLINE.**

**IMPORTANT NOTE REGARDING REDACTING YOUR PROOF OF CLAIM AND SUPPORTING DOCUMENTATION** When you submit a proof of claim and any supporting documentation you must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. The responsibility for redacting personal data identifiers (as defined in Federal Rule of Bankruptcy Procedure 9037) rests solely with the party submitting the documentation and their counsel. Prime Clerk and the Clerk of the Court will not review any document for redaction or compliance with this Rule and you hereby release and agree to hold harmless Prime Clerk and the Clerk of the Court from the disclosure of any personal data identifiers included in your submission. In the event Prime Clerk or the Clerk of the Court discover that personal identifier data or information concerning a minor individual has been included in a pleading, Prime Clerk and the Clerk of the Court are authorized, in their sole discretion, to redact all such information from the text of the filing and make an entry indicating the correction.

## Modified Form 410

# Instructions for Proof of Claim

United States Bankruptcy Court

12/15

**These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.**

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.**  
18 U.S.C. §§ 152, 157 and 3571.

### How to fill out this form

- **Fill in all of the information about the claim as of the date the case was filed.**
- **Fill in the caption at the top of the form.**
- **If the claim has been acquired from someone else, then state the identity of the last party** who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- **Attach any supporting documents to this form.**  
Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)  
  
Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called “Bankruptcy Rule”) 3001(c) and (d).
- **Do not attach original documents because attachments may be destroyed after scanning.**
- **If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.**

- **A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual’s tax identification number, or financial account number, and only the year of any person’s date of birth.** See Bankruptcy Rule 9037.
- **For a minor child, fill in only the child’s initials and the full name and address of the child’s parent or guardian.** For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

### Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form. You may view a list of filed claims in this case by visiting the Claims and Noticing Agent’s website at <http://restructuring.primeclerk.com/sears>.

### Understand the terms used in this form

**Administrative expense:** Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate.  
11 U.S.C. § 503.

**Claim:** A creditor’s right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy.  
11 U.S.C. § 101 (5). A claim may be secured or unsecured.

**Claim Pursuant to 11 U.S.C. §503(b)(9):** A claim arising from the value of any goods received by the Debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business. Attach documentation supporting such claim.

**Creditor:** A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

**Debtor:** A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

**Evidence of perfection:** Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

**Information that is entitled to privacy:** A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

**Priority claim:** A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

**Proof of claim:** A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

**Redaction of information:** Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

**Secured claim under 11 U.S.C. §506(a):** A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment may be a lien.

**Setoff:** Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

**Unsecured claim:** A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

### Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

### Please send completed Proof(s) of Claim to:

Sears Holdings Corporation Claims Processing Center  
c/o Prime Clerk LLC  
850 3rd Avenue, Suite 412  
Brooklyn, NY 11232

<b>Do not file these instructions with your form</b>
--

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE: Kime v. Sears Holdings Management Corporation, et al.	CASE NUMBER:
---	--------------

4. ☐ Plaintiff (*name*):  
is doing business under the fictitious name (*specify*):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ **except** defendant (*name*): Sears Holdings Mgmt. c. ☐ **except** defendant (*name*):
- (1) ☒ a business organization, form unknown (1) ☐ a business organization, form unknown  
(2) ☐ a corporation (2) ☐ a corporation  
(3) ☐ an unincorporated entity (*describe*): (3) ☐ an unincorporated entity (*describe*):  
  
(4) ☐ a public entity (*describe*): (4) ☐ a public entity (*describe*):  
(5) ☐ other (*specify*): (5) ☐ other (*specify*):
- b. ☒ **except** defendant (*name*): A&E Factory Services d. ☐ **except** defendant (*name*):
- (1) ☒ a business organization, form unknown (1) ☐ a business organization, form unknown  
(2) ☐ a corporation (2) ☐ a corporation  
(3) ☐ an unincorporated entity (*describe*): (3) ☐ an unincorporated entity (*describe*):  
  
(4) ☐ a public entity (*describe*): (4) ☐ a public entity (*describe*):  
(5) ☐ other (*specify*): (5) ☐ other (*specify*):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (*specify Doe numbers*): 1 to 50 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (*specify Doe numbers*): 1 to 50 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (*names*):
8. This court is the proper court because
- a. ☒ at least one defendant now resides in its jurisdictional area.  
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.  
d. ☐ other (*specify*):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or  
b. ☐ is excused from complying because (*specify*):

PLD-PI-001

SHORT TITLE: Kime v. Sears Holdings Management Corporation, et al.	CASE NUMBER:
---	--------------

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☒ Motor Vehicle
- b. ☐ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

Any and all economic and non-economic damages as may be proved and for such relief as the court deems just and proper.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: June 11, 2018

William A. Deitchman, Esq.

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)



PLD-PI-001(1)

SHORT TITLE:

Kime v. Sears Holdings Management Corporation, et al

CASE NUMBER:

First

(number)

**CAUSE OF ACTION—Motor Vehicle**

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): Kathleen Kime

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): 6/14/16

at (place):

On Missouri Flat Road near the intersection with Forni Road in Placerville, El Dorado County, California.

**MV- 2. DEFENDANTS**

a. ☒ The defendants who operated a motor vehicle are (names):  
Gregory Williams, and

☒ Does 1 to 10

b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):  
Sears Holdings Management Corporation, A&E Factory Services, LLC, and

☒ Does 1 to 20

c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names):  
Sears Holdings Management Corporation, A&E Factory Services, LLC, and

☒ Does 1 to 30

d. ☒ The defendants who entrusted the motor vehicle are (names):  
Sears Holdings Management Corporation, A&E Factory Services, LLC, and

☒ Does 1 to 40

e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):  
Sears Holdings Management Corporation, A&E Factory Services, LLC, and

☒ Does 1 to 50

f. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are  
☐ listed in Attachment MV-2f ☐ as follows:

☐ Does to

Page 4

Page 1 of 1







# Electronic Proof of Claim\_HWAJN27384

Final Audit Report

2019-08-07

Created:	2019-08-07
By:	Sears Claims (searsclaims@primeclerk.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA5Wu5xjWE5wsGjKsEA3lyDpfr87__synE

## "Electronic Proof of Claim\_HWAJN27384" History

-  Web Form created by Sears Claims (searsclaims@primeclerk.com)  
2019-08-07 - 11:23:14 PM GMT
-  William A. Deitchman (will@deitchmanlaw.com) uploaded the following supporting documents:
  -  Attachment  
2019-08-07 - 11:28:38 PM GMT
-  Web Form filled in by William A. Deitchman (will@deitchmanlaw.com)  
2019-08-07 - 11:28:38 PM GMT- IP address: 75.150.2.137
-  (User email address provided through API User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/70.0.3538.102 Safari/537.36 Edge/18.18362)  
2019-08-07 - 11:28:41 PM GMT- IP address: 75.150.2.137
-  Signed document emailed to William A. Deitchman (will@deitchmanlaw.com) and Sears Claims (searsclaims@primeclerk.com)  
2019-08-07 - 11:28:41 PM GMT